

## **REMARKS**

Claims 11-30 and 34-51 were presented for examination. In an Office action dated April 17, 2009, claims 11-30 and 34-51 were rejected. Claims 11, 17, 34, 37, 43, and 50 are amended herein to more distinctly claim Applicants' invention.

Based on the above Amendment and following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

### **Substance of the Interview**

Applicants thank the Examiner and his Supervisor for their time in conducting a telephone interview on June 11, 2009. During the telephone interview, Applicants' attorney, co-inventor Matt Ginsberg, and the Examiners discussed the differences between the claimed invention and the prior art. Specifically, neither Podrazhansky nor Castonguay teach or suggest a schedule of start times for tasks. Rather, Podrazhansky and Castonguay are concerned with deriving a staffing schedule given a forecasted workload. To emphasize the distinction between scheduling staffing and scheduling tasks that make up an overall workflow, Applicants proposed amendments to the claims to recite "at least one scheduling constraint between at least two of the plurality of tasks" and "the at least one scheduling constraint requires a first task to be a predecessor to a second task within the workflow." The Examiners agreed that the amendments overcome the rejection based on Podrazhansky and Castonguay. Applicants have amended the independent claims herein accordingly.

During the interview, the meaning of the term "window" as used in claims 28, 29, and 49 was also discussed. Applicants explained that "window" refers to a period of time and provided a brief overview of the methods of claims 28, 29, and 49. The Examiners indicated they would take these comments under consideration.

### **Response to Rejection Under 35 USC 101**

The Examiner rejected claims 17-30 and 37-51 under 35 USC § 101 as allegedly directed to unpatentable subject matter. The Examiner stated on p. 3 of the Office Action dated April 17, 2009, “To qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied, for example by identifying the apparatus that accomplished the method steps...”. Applicants have amended independent claims 17, 37, 43, and 50 to positively recite the computer system that accomplishes the method steps. Thus, this rejection should now be withdrawn.

### **Response to Rejections Under 35 USC 103(a)**

The Examiner rejected claims 11-30 and 34-51 under 35 USC § 103(a) as allegedly being unpatentable in view of U.S. Publication No. 2002/0052770 to Podrazhansky et al. (“Podrazhansky”) and U.S. Patent No. 5,911,134 to Castonguay et al. (“Castonguay”). This rejection is traversed.

Claim 11 now recites “at least one scheduling constraint between at least two of the plurality of tasks” and “the at least one scheduling constraint requires a first task to be a predecessor to a second task within the workflow.” Independent claims 17, 34, 37, 43, and 50 recite similar features. As discussed above in the Substance of the Interview, the Examiners agree that Podrazhansky and Castonguay do not disclose or suggest a scheduling system having these features. Applicants respectfully submit that for at least these reasons claims 17, 34, 37, 43, and 50 and the claims that depend from them (i.e., all pending claims, claims 11-30 and 34-50), are patentably distinguishable over the cited references, both alone and in combination.

In addition, Applicants respectfully point out the deficiency in the rejection of claims 21 and 46 in the Office Action dated April 17, 2009. The Examiner states that Podrazhansky further teaches the claimed feature in “col 6., line 56 – col. 8, line 55.” This appears to be an incorrect citation because Podrazhansky has no column and line numbers. In addition, Applicants can find no hint or suggestion of the recited feature of “iteratively reducing the limitation for one of the resources” anywhere in Podrazhansky.

Applicants also note that the Examiner has failed to address Applicants arguments from the previous Office Action Response regarding claims 28, 49, and 29. These arguments are repeated below:

Claims 28 and 49 recite “identifying an admissible window in the proposed schedule of start times for the plurality of tasks for each task of the plurality of tasks and iteratively placing each task of the plurality of tasks within the proposed schedule of start times for the plurality of tasks responsive to the admissible window, a priority of the task, and a cost of at least part of the proposed schedule of start times for the plurality of tasks having the task placed therein.” Podrazhansky does not disclose or suggest iteratively placing each task of a plurality of tasks responsive to an admissible window, a priority of the task, and a cost of at least part of the proposed schedule. Podrazhansky discloses creating a staffing schedule responsive to cost (paragraph 53-54), but does not disclose or suggest the specific additional features recited in claims 28 and 49.

Claim 29 recites “examining one of the plurality of tasks to estimate the cost associated with the proposed schedule of start times for the plurality of tasks responsive to moving the task within a window describing allowable locations of the task in the schedule of start times for the plurality of tasks.” Podrazhansky discloses creating a staffing schedule

responsive to cost (paragraph 53-54). However, Podrazhansky does not disclose or suggest estimating the cost associated with a proposed schedule of start times for a plurality of tasks responsive to moving a task within a window describing allowable locations of the task in the schedule.

Therefore, for all of the reasons above, Applicants respectfully request that Examiner withdraw the rejection of claims 11-30 and 34-51 based on Podrazhansky and Castonguay.

### **Conclusion**

In sum, Applicants respectfully submit that all claims now pending are patentable over the cited references for at least the reasons given above, while not necessarily conceding any contention not specifically addressed. Applicants request reconsideration of the basis for the rejections of these claims and request allowance of them.

If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,  
Andrew B. Baker, et al.

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